

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (Appa) NO. 37 OF 2015
IN
CRIMINAL APPEAL NO.119 OF 2015.

The State of Mah. ..vs.. Namdeo Wamanrao Yelne

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.T.A.Mirza, APP for the applicant.

**CORAM : A.B.CHAUDHARI AND
P.N.DESHMUKH, JJ.**

DATED : MARCH 23, 2015.

None for the respondent.

Heard Mr.Mirza, learned Additional Public Prosecutor
for the applicant.

For the reasons stated in the application, the same is
allowed. The delay is condoned.

CRIMINAL APPEAL NO.119 OF 2015.

Admit.

Heard finally with the consent of learned counsel for
the parties.

With the assistance of Mr.Mirza, learned Additional
Public Prosecutor, we have perused the evidence of prosecutrix as
well as of doctor. We have also perused the reasons recorded by
the learned Trial Judge for holding that there was only attempt to
commit rape and there was no rape as such. We have compared

the evidence with the reasons given by the learned Trial Court to find out whether there is any perversity in the impugned order and what we find is that the victim herself stated about the attempt to commit rape and that is corroborated by the evidence of doctor and the learned Trial Court therefore convicted the respondent/accused for the said offences along with other offence under Section 3 and 4 of Protection of Child from Sexual offences Act and imposed the sentence of imprisonment of seven years maximum. We have also examined whether the sentence imposed by the learned Trial Court is adequate and we find that no fault can be found out with the order passed by the learned Trial Judge in imposing the sentence of seven years.

In view of limited jurisdiction in the matter of appeal against the acquittal, we think we should not interfere with the impugned judgment. At any rate, appeal preferred by the respondent/accused has been admitted by this Court and is pending for final hearing. In the result, we make the following order.

ORDER.

Criminal Appeal registered as Criminal Appeal No.119 of 2015 is summarily rejected.

JUDGE

JUDGE

Chute.